



PATENT
ATTORNEY DOCKET NO.: 053847-5003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tohru ISHIZUYA et al.

Application No.: 10/676,733

Filed: October 2, 2003

For: OPTICAL ELEMENT, THIN FILM
STRUCTURE, OPTICAL SWITCH,
AND METHOD OF MANUFACTURING
OPTICAL ELEMENT

Confirmation No.: 2939

Group Art Unit: 2873

Examiner: E. Lester

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In a Restriction Requirement under 35 U.S.C. § 121 dated April 5, 2005 (Paper No. 20050402), the period for response extending through June 5, 2005, by an accompanying petition for a one-month extension of time, Applicants provide the following responses.

Applicants hereby elect Species V, drawn to an optical element or device as depicted in FIGs. 26, 36A, 36B, 37-39, 40A, 40B, 42, 43A and 43B, which correspond to claims 1-4, 12-17, 19-23, 27-40, and 43-47, with traverse.

REMARKS

Applicants respectfully traverse the election of species requirement for the following reasons. Applicant respectfully traverse the Election of Species Requirement because the Requirement indicates that "no claim is generic." Applicants respectfully assert that claims 1-3, 17, and 19 are generic to each of Species I-V, identified by the Examiner in the Requirement. In addition, claims 16-17, 19-23, 27-37, and 43-47 are generic to Species IV and V. Furthermore,